

APR 15 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Reissue Patent No. RE 38,216

Issue Date: August 12, 2003

Serial No: 09/174,804

Filed: October 19, 1998

For: SCOOPED LACROSSE HEAD

Attorney Docket No: 36218-624

05/01/2009 CKHL0K 00000019 5568925

01 FC:1552

02 FC:1557

03 FC:1553

04 FC:1463

05 FC:1462

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4-15-2009
Date of Deposit


Signature

PETITION UNDER 37 C.F.R. §1.181

The Petitioner (the Patent Owner, Warrior Sports, Inc.) hereby submits this Petition under 37 C.F.R. §1.181 for reconsideration of the August 6, 2008, decision by the Office of Petitions (the "Decision"). It is requested that the Decision be reversed, that the Petition for Reactivation of U.S. Reissue Patent No. RE 38,216 be granted and that the RE '216 patent be reactivated.

The August 6, 2008, Decision denied the Petitioner's request to reinstate the RE '216 patent for two reasons: (1) lack of medical documents relative to Ms. Ford's illness; and (2) lack of information relating to the checks and balances of the docketing system and procedures at Artz & Artz.

As to the medical documents, the Petitioner is submitting herewith the Death Certificate of Ms. Ford (Exhibit A), a Declaration of Dr. Tania Little (Exhibit B), and

documents specifying symptoms of Ms. Ford's illness (Exhibit C).¹ These are the medical documents referred to in the attached Declarations of John S. Artz dated January 7, 2008 (Exhibit D, ¶¶16-17) and August 29, 2008 (Exhibit E, ¶¶1, 3-4).

As to the information concerning the docketing system and procedure, the Petitioner is resubmitting herewith the January 19, 2007, Declarations of John A. Artz (Exhibit F) and John S. Artz (Exhibit G). These Declarations were previously filed in this case and show that the Artz & Artz firm had a highly reputed computerized docketing system and a well-established docketing procedure that were fully functioning and provided excellent protection and checks and balances for the patent properties of their clients. See, in particular, Exhibit F, ¶¶3-8 and Exhibit G, ¶¶10-15 and 17-20. Ms. Ford, like all of the other secretaries and assistants at Artz & Artz, were trained as to the payment of maintenance fees and were supervised relative to them (Exhibit G, ¶¶9, 11-14). As to the RE 38,216 maintenance fee payment, John S. Artz specifically instructed Ms. Ford to make the payment and then followed up and was told by Ms. Ford that the payment had been made (Exhibit G, ¶¶16-19).

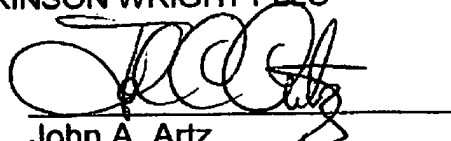
¹ All of these documents are marked "confidential" and are being submitted under seal for protection of the privacy of Ms. Ford. It is requested that these documents be expunged from the record after a decision on the Petition has been made.

In view of the foregoing and attached Exhibits, a reconsideration and reversal of the August 8, 2008, Decision is respectfully requested.

Respectfully submitted,

DICKINSON WRIGHT PLLC

By:



John A. Artz
Reg. No. 25,824
38525 Woodward Avenue
Suite 2000
Bloomfield Hills, MI 48304-5092
Phone: (248) 433-7200

Dated: April 15, 2009
BLOOMFIELD 36218-624 982172v2 4/14/2009

EXHIBIT A

CERTIFICATE OF DEATH

0005/0082

STATE FILE NUMBER

2660313

1. DECEASED'S NAME (Last, first, middle initial) LaTitia Ann Ford		2. DATE OF BIRTH (Month, Day, Year) November 17, 1965		3. SEX Female		4. DATE OF DEATH (Month, Day, Year) JULY 31, 2005	
5. NAME AT BIRTH OR OTHER NAME USED FOR PERMANENT BUSINESS (Last, first, middle initial) LaTitia Hubbard				6a. AGE - Last birthday 43		6b. LONGER 1 YEAR MONTHS: _____ DAYS: _____	
7a. LOCATION OF DEATH (Name of place officially pronounced dead or "In the Hospital" OR OTHER INSTITUTION - Name of care or other care, short and complete and complete) HARPER HOSPITAL 3990 JOHN R.				7b. CITY, VILLAGE OR TOWNSHIP OF DEATH DETROIT		7c. COUNTY OF DEATH WAYNE	
8a. CURRENT RESIDENCE - STATE Michigan		8b. COUNTY Wayne		8c. LOCALITY (Name of city, village or town) Detroit		8d. STREET AND NUMBER (Include apt. No. if applicable) 18001 Washburn	
9a. ZIP CODE 48221		9b. BIRTHPLACE (City and State of Country) Detroit, Michigan		10. SOCIAL SECURITY NUMBER 369-82-1924		11. DECEASED'S EDUCATION - What is the highest degree or level of school completed at the time of death? 3 Years of College	
12. RACE - American Indian, White, Black, etc. (If more than one, specify) Black		13a. ANCESTRY - American Indian, White, Black, etc. (If more than one, specify) African American		13b. HISPANIC ORIGIN (If more than one, specify) No		14. WAS DECEASED EVER IN THE U.S. ARMED FORCES? No	
15. USUAL OCCUPATION (Last held or most recent during time of working life. Do not give retired) Legal Secretary		16. KIND OF BUSINESS OR INDUSTRY Law Firm		17. MARITAL STATUS - Married, Single, Married, Widowed, Divorced, etc. Married		18. NAME OF SURVIVING SPOUSE (If more than one, give name before last marriage) Ray Ford	
19. FATHER'S NAME (Last, first, middle initial) Lewis Hubbard				20. MOTHER'S NAME (If never first married, give birth name) Annie Cooper			
21a. INFORMANT'S NAME (Relationship) Annie Hubbard		21b. RELATIONSHIP TO DECEASED Mother		21c. DATE OF BIRTH (Month, Day, Year) 19488: Cheyenne			
22. METHOD OF DISPOSITION Burial		23a. PLACE OF DISPOSITION (Name of cemetery, funeral home, etc.) Roseland Park Cemetery		23b. LOCATION (City or Village, State) Berkley, Michigan		23c. LOCATION (City or Village, State) Berkley, Michigan	
24. SIGNATURE OF MEDICARY PHYSICIAN (If deceased) <i>June K. Williams</i>		25. LICENSE NUMBER 6183		26. NAME AND ADDRESS OF FUNERAL FACILITY Stinson Funeral Home 1540 W. Grand Blvd. Detroit, Michigan 48208			
27a. TIME OF DEATH (Month, Day, Year) AUGUST 4, 2005		27b. TIME OF DEATH (Month, Day, Year) #032424		28a. TIME OF DEATH (Month, Day, Year) 2:00 P M		28b. TIME OF DEATH (Month, Day, Year) JULY 31, 2005	
29. MEDICAL EXAMINER (If deceased) NO		30. PLACE OF DEATH (Home, Hospital, Nursing Home, etc.) HOSPITAL		31. IF HOSPITAL, INPATIENT OR OUTPATIENT? Inpatient			
32. NAME AND ADDRESS OF CERTIFYING PHYSICIAN (If deceased) SYED AMOUZEGAR, MD. HOSPICE OF MICHIGAN 400 MACK AVE. DETROIT, MICHIGAN 48201		33. MEDICAL EXAMINER'S CASE NUMBER (If applicable) NO		34. NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (If deceased) Michael J. Johnson			
35. DATE OF DEATH (Month, Day, Year) AUG 08 2005		36. DATE OF DEATH (Month, Day, Year) AUG 08 2005					
Part I: Enter the cause of death (disease, injury, or complication) that directly caused the death. (DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. Enter only one cause on a line.)							
HUMAN IMMUNODEFICIENCY VIRUS 4 YEARS							
Part II: Enter the cause of death (disease, injury, or complication) that directly caused the death. (DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. Enter only one cause on a line.)							
MANNER OF DEATH: Accident, Suicide, Homicide, Natural, Indeterminate or Pending Specimen NATURAL							
39. MANNER OF DEATH: Accident, Suicide, Homicide, Natural, Indeterminate or Pending Specimen NATURAL							
40. WAS AN AUTOPSY PERFORMED? NO							
41. WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? NO							
42. DATE OF INJURY (Month, Day, Year) NO							
43. DATE OF INJURY (Month, Day, Year) NO							
44. DESCRIBE HOW INJURY OCCURRED NO							
45. INJURY AT WORK (Yes or No) NO							
46. PLACE OF INJURY (Address, home, street, construction site, wooded area, etc.) NO							
47. TYPE OF TRANSPORTATION INJURY (Train, trolley, passenger, pedestrian, etc.) NO							
48. LOCATION (Street or Rte No., City, Village, or Town, State) NO							

I hereby certify that the above is a true and correct reproduction of the certificate on file in the Michigan Department of Community Health, Lansing, Michigan.

CERTIFIED BY:



Glenn Copeland
State Registrar

JAN 31 2007

FOR WIREOUT, PLEASE SEND
THIS PAGE OF THIS DOCUMENT HAS A RED AND BLUE COLOR BACKGROUND
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EXHIBIT B

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**RECEIVED
CENTRAL FAX CENTER

APR 15 2009

WARRIOR SPORTS, INC.,

Plaintiff,

v.

Case No.

JONATHON W. DUDAS,

Defendant.

DECLARATION OF DR. TANIA LITTLE

I, Tania Little, depose and say:

1. I am a doctor specializing in infectious diseases and have been asked to provide my opinion concerning the circumstances surrounding the death of Ms. Latitia Ford and the period leading up to her death.

2. I live in West Bloomfield, Michigan, am married and have four young children. I received a D.O. degree in 1998 from Michigan State University along with a Masters in Public Health from The University of Michigan. I did a fellowship in infectious diseases at the Detroit Medical Center in Detroit, Michigan, specializing in infectious diseases.

3. I am Board Certified in both infectious diseases and internal medicine and specialize in infectious diseases. I practice out of Providence Hospital in Southfield, Michigan.

4. During my fellowship and current practice, I have given care to several hundred patients with the Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS).

5. HIV is the virus that causes AIDS. More specifically, when a persons' immune system is attacked by the HIV virus over time the CD4 cell count drops. Once the CD4 cell count falls below 200, then the individual is classified as having AIDS.

6. Persons who initially are infected with HIV may have flu-type symptoms for a short period of time and then go through a long period of time when the symptoms disappear as the bodies' immune system fight back. These periods vary in length and can be extended by HIV medications. However, without proper treatment most individuals inflicted with HIV will progress to AIDS.

7. HIV-infected people can remain healthy for long periods of time and can carry on with their work in a normal way.

8. I have been advised of the circumstances surrounding Ms. Latitia Ford's last year at her place of employment, Artz & Artz, and her death. I have also reviewed her Death Certificate which indicates that Ms. Ford had been infected with HIV for a minimum of at least four years.

9. Ms. Ford, as I have been advised, made a clerical mistake in October 2004, left the employ of Artz & Artz in March 2005, entered a hospital a month or two thereafter, and died in July 2005. I have also been advised that Ms. Ford's mother, Annie Hubbard, advised Artz & Artz that Ms. Ford died of a "brain infection."

10. I have been advised that after Ms. Ford entered the hospital in May or June 2005, that Ms. Ford's mother, Anne Hubbard, advised that Ms. Ford had been suffering from a terminal illness for a few years and that it had become fatal in the fall of 2004.

11. I have been advised that efforts to obtain permission from Ms. Ford's husband, Ray Ford, to review or secure copies of her medical records have not been successful. The medical

records would disclose more information regarding Ms. Ford, such as if the HIV virus had progressed to AIDS and other co morbidities.

12. HIV and in particular if progressed to AIDS can cause multiple neurological and psychological deficits. AIDS patients often suffer from depression, confusion and mild dementia. In addition, decreased concentration and memory loss are typical symptoms of patients with HIV itself and are only exacerbated with the progression of the disease. Infections of the brain occur in AIDS inflicted individuals and may become terminal.

Dated: August 27, 2008


Dr. Tania Little, D.O., M.P.H.

EXHIBIT C



HIV Symptoms

Welcome to hivsymptoms.org, comprehensive HIV information site. Providing HIV symptoms information is the main focus of this site but there is a lot more information here on HIV and AIDS.

Please note that the only way to make sure whether you have HIV or AIDS is HIV testing for HIV infection. Please don't rely on HIV symptoms to know whether or not you are infected with HIV. There is a possibility that you don't show any of the HIV symptoms but can still be infected with HIV/AIDS.

Please see the following links for more information on HIV symptoms:

- [HIV Symptom Free Period](#)
- [HIV Early Symptoms](#)
- [Symptoms of AIDS](#)
- [Later symptoms of HIV](#)

Just to summarize, following are the main HIV symptoms:

1. Rapid weight loss
2. Dry cough
3. Recurring fever or profuse night sweats
4. Profound and unexplained fatigue
5. Wollen lymph glands in the armpits, groin, or neck
6. Diarrhea that lasts for more than a week
7. White spots or unusual blemishes on the tongue, in the mouth, or in the throat
8. Pneumonia
9. Red, brown, pink, or purplish blotches on or under the skin or inside the mouth, nose, or eyelids
10. Memory loss, depression, and other neurological disorders

Please read the complete AIDS Symptoms progression.

<http://www.hivsymptomsonline.com/>



Better information. Better health.

Article Link: [HIV Infection - Symptoms and Signs](#)

HIV Infection - Symptoms and Signs

All Subchapter Articles:

AIDS

Many people do not develop symptoms after getting infected with HIV. Some people have a flu-like illness within several days to weeks after exposure to the virus. They complain of fever, headache, tiredness, and enlarged lymph glands in the neck. These symptoms usually disappear on their own within a few weeks.

Following initial infection, you may have no symptoms. The progression of disease varies widely among individuals. This state may last from a few months to more than 10 years.

During this period, the virus continues to multiply actively and infects and kills the cells of the immune system. The immune system allows us to fight against the bacteria, viruses, and other infectious causes.

The virus destroys the cells that are the primary infection fighters, called CD4+ or T4 cells.

Once the immune system weakens, a person infected with HIV can develop the following symptoms:

Lack of energy

Weight loss

Frequent fevers and sweats

Persistent or frequent yeast infections

Persistent skin rashes or flaky skin

Short-term memory loss

Mouth, genital, or anal sores from herpes infections.

AIDS is the most advanced stage of HIV infection. The definition of AIDS includes all HIV-infected people who have fewer than 200 CD4+ cells per microliter of blood. The definition also includes 26 conditions that are common in advanced HIV disease but that rarely occur in healthy people. Most of these conditions are infections caused by bacteria, viruses, fungi, parasites, and other organisms. Opportunistic infections are common in people with AIDS. Nearly every organ system is affected. Some of the common symptoms include the following:

Cough and shortness of breath

<http://www.webmd.com/hiv-aids/guide/hiv-symptoms>

Seizures and lack of coordination

Difficult or painful swallowing

Mental symptoms such as confusion and forgetfulness ←

Severe and persistent diarrhea

Fever

Vision loss

Nausea, abdominal cramps, and vomiting

Weight loss and extreme fatigue

Severe headaches with neck stiffness

Coma

People with AIDS are prone to develop various cancers such as Kaposi sarcoma, cervical cancer, and cancers of the immune system known as lymphomas. Kaposi sarcoma causes round, brown, reddish or purple spots that develop in the skin or in the mouth. After the diagnosis of AIDS is made, the average survival time has been estimated to be 2-3 years.

WebMD Medical Reference from eMedicineHealth

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HIV & AIDS Guide

[Overview & Facts](#)

Symptoms & Types

[Diagnosis & Tests](#)

[Treatment & Care](#)

[Living & Managing](#)

[Support & Resources](#)

<http://www.webmd.com/hiv-aids/guide/hiv-symptoms>

HIV/AIDS Symptoms & Complications

HIV Infection

Once the HIV virus has entered the body, the immune system comes under attack. The HIV virus multiplies lymphocytes (T-cells), which are the white blood cells responsible for the coordination of the entire immune system progressively over time and becomes susceptible to opportunistic infections.

As more serious symptoms and complications appear, the HIV infection may then meet the official definition of AIDS: a positive HIV-antibody test and either the onset of an "AIDS-defining" infection or cancer (see below), or a CD4 lymphocyte count of 200/ml or less (a normal count ranges from 600/ml to 1000/ml).

HIV Symptoms

Initial infection with the HIV virus may produce no symptoms. The length of time between initial HIV infection and the development of AIDS varies greatly and some people may remain without symptoms for years. Even if a person does not have symptoms, they can still transmit the virus to others.

It is common to develop a brief flu-like illness 2 to 6 weeks after being infected. The symptoms may include fever, headache, sore throat, swollen lymph glands, and a rash. These symptoms are similar to many other diseases and may not be recognized as HIV infection.

Many people remain symptom free for 8 or 9 years but during this time the virus continues to multiply. The Centers for Disease Control (CDC) suggests the following may be warning signs of HIV infection but can be related to other illnesses and that only an HIV blood test can be used for an accurate diagnosis:

- Rapid weight loss
- Dry cough and shortness of breath
- Recurring fever or profuse night sweats
- Profound and unexplained fatigue
- Swollen lymph glands in the armpits, groin, or neck
- Diarrhea that lasts for more than a week
- White spots or unusual blemishes on the tongue, in the mouth, or in the throat
- Pneumonia
- Red, brown, pink, or purplish blotches on or under the skin, or inside the mouth, nose, or eyelid
- Memory loss, depression, or other neurological disorders.

During the last phase of HIV, which can occur up to 10 or 11 years after the initial infection, the immune system making the body highly susceptible to a large number of bacterial, viral, fungal and parasitic (opportunistic) infections may include:

- Shaking chills or fever higher than 100 F for several weeks

<http://www.drugs.com/aids-symptoms.html>

- Soaking night sweats
- Dry cough and shortness of breath
- Chronic diarrhea
- Persistent white spots or unusual lesions on the tongue or in the mouth
- Persistent headaches
- Blurred and distorted vision
- Weight loss
- Persistent, unexplained fatigue
- Swelling of lymph nodes for more than 3 months.

People with HIV infection are also at greater risk of developing certain cancers, especially Kaposi's sarcoma. Children who are HIV positive often fail to gain weight or grow normally. As the disease progresses, there is delayed mental development. They may also develop cerebral palsy. In addition, children are susceptible to the same diseases as adults. They may have severe forms of common childhood illnesses such as ear infections (otitis media), pneumonia,

AIDS Symptoms

The symptoms of AIDS are primarily the result of infections (called opportunistic infections) that do not work in healthy immune systems. In order for a patient who is infected with HIV to have AIDS, the immune system damage is measured by a CD4 lymphocyte count. If a person infected with HIV has a CD4 count below 200, they are said to have AIDS.

The Centers for Disease Control (CDC) considers the following list of conditions as "AIDS-defining". Many other symptoms may develop in addition to those listed here:

Tuberculosis (TB)

Tuberculosis is the most common opportunistic infection associated with HIV worldwide. Tuberculosis is a bacterium that predominantly affects the lungs, but it can spread through the blood and lymph nodes.

TB causes a long-term cough that may produce blood and may also cause fever, weight loss and night sweats. HIV no matter what the level of their CD4 count, which means that TB can often occur years before other symptoms appear.

Everyone who is HIV-positive should have a simple skin test for TB. If the test is positive, a chest X-ray is taken to see if the infection is active. If the TB is not active, preventative treatments are available.

Tuberculosis is more worrisome than many other opportunistic infections because of the ease with which it can be passed from one person to another. Multidrug Resistant-Tuberculosis (MDR-TB) is resistant to traditional treatments and is more common in people with HIV and AIDS.

Anyone with HIV can get Tuberculosis but it is more likely to occur in those with CD4 counts of less than 350.

Herpes Simplex Virus (HSV)

Herpes Simplex Virus, which usually causes genital herpes, may be transmitted during unprotected sex. The virus can also be transmitted through skin in the genital area and later sores that erupt and ooze and bleed. Although these sores eventually heal, they can cause the same symptoms. The symptoms of HSV are more severe in people with HIV and the sores are more likely to recur. It isn't life-threatening in adults, but it may cause brain damage, blindness or death in infants infected with HIV.

<http://www.drugs.com/aids-symptoms.html>

Anyone with HIV can get Herpes Simplex, regardless of their CD4 count.

Candidiasis

Candidiasis (Thrush) is a yeast infection of the mouth or genitals and is a very common HIV-related infection and a thick white coating on the mucous membranes of the mouth, tongue, vagina or esophagus (Candida). Especially severe symptoms in the mouth or esophagus, which can make eating painful and difficult. Candida of the esophagus is considered "AIDS-defining".

Anyone with HIV can get Candidiasis but it is more dangerous in those with CD4 counts of less than 200.

Non-Hodgkin's Lymphoma (NHL)

Non-Hodgkin's Lymphoma is a cancer of the lymph glands originating in the lymphocytes, a type of white blood cell. NHL usually starts in the lymph nodes but can also start in the liver, lungs or gastrointestinal tract. The (usually painless) lymph nodes in the neck, armpit or groin. Other symptoms include fever, night sweats, weight loss, and sometimes coughing, difficulty breathing and chest pain.

Anyone with HIV can get Non-Hodgkin's Lymphoma but it is more likely in those with CD4 counts of less than 200.

Salmonellosis

Salmonellosis (food poisoning) is an infection caused by the salmonella bacterium, which is contracted by eating contaminated food. Symptoms include severe diarrhea, fever, chills, abdominal pain and sometimes vomiting. The risk of contracting salmonellosis is reduced by hand washing and by cooking meat and eggs thoroughly.

Anyone with HIV can get Salmonellosis, regardless of their CD4 count.

Bacillary Angiomatosis

Bacillary Angiomatosis ("Cat Scratch Disease") is an infection that first appears as purplish to bright red bumps (papules) on the skin (Kaposi's sarcoma). As the infection progresses, symptoms include fever, sweats, chills, poor appetite, and weight loss.

Anyone with HIV can get Bacillary Angiomatosis, but it is more likely in those with CD4 counts of less than 200.

Viral Hepatitis

Viral hepatitis is a viral infection of the liver. Symptoms include yellowing of the skin and the whites of the eyes, abdominal pain, loss of appetite and diarrhea. There are several types of hepatitis, but the most common are A, B, and C.

Hepatitis A is contracted from contaminated food and water and through poor hygiene. Hepatitis B is contracted from contaminated blood and body fluids. People with Hepatitis B infection are also at risk of Hepatitis C infection. Hepatitis B and C can lead to chronic liver disease and complications such as cirrhosis or liver cancer.

Anyone with HIV can get Viral Hepatitis, regardless of their CD4 count.

Human Papillomavirus (HPV)

Human Papillomavirus is one of the most common causes of sexually transmitted disease. Some types of HPV cause warts on the genitals. HPV infection is especially serious because it puts women at risk of cervical cancer in women with HIV.

Anyone with HIV can get Human Papillomavirus but women with CD4 counts of less than 500/ml are at higher risk of developing cervical cancer.

Cryptosporidiosis

Cryptosporidiosis is an infection contracted by ingesting contaminated food or water. The parasite grows in the small intestine.

<http://www.drugs.com/aids-symptoms.html>

cause severe chronic diarrhea.

Anyone with HIV can get Cryptosporidiosis, however it is particularly dangerous for those with a CD4 c

Pneumocystis Carinii Pneumonia (PCP)

Pneumocystis Carinii Pneumonia (PCP) is the most common opportunistic infection that occurs with AII causes the PCP infection is spread though breathing or coughing. Symptoms include persistent cough, may become blue), fatigue, and weight loss.

PCP is particularly dangerous for those with a CD4 count of less than 200/ml.

Kaposi's Sarcoma (KS)

Kaposi's sarcoma is the most common AIDS-related cancer. It is a tumor of the blood vessel walls. Cor lesions on the skin and in the mouth. The first spots, sores or bumps usually appear on the face, nose, lesions vary from pinhead size to the size of a large coin and may be painless. Sometimes the skin fest sores in the mouth or throat may cause eating or swallowing problems. Kaposi's sarcoma can also affe digestive tract, lymph nodes and lungs.

Anyone with HIV can get Kaposi's Sarcoma, but it is more likely in those with CD4 counts of less than 2

Cryptococcal Meningitis

Cryptococcal meningitis, caused by a fungus, is the most common central nervous system infection as: inflammation of the membranes and fluid surrounding the brain and spinal cord (meninges). Symptom and sensitivity to light. Meningitis is a serious disease that can cause severe complications and even pr

Cryptococcal Meningitis is particularly dangerous in those with a CD4 count of 50/ml or less.

Toxoplasmosis

Toxoplasmosis, caused by a parasite spread primarily by cats, is the most common cause of brain lesio where toxoplasmosis often leads to encephalitis, an infection of the brain. Symptoms may include diso difficulty walking or speaking.

Toxoplasmosis is particularly dangerous in those with a CD4 count of 50/ml or less.

Progressive Multifocal Leukoencephalopathy (PML)

Progressive Multifocal Leukoencephalopathy is an extremely serious viral disease of the brain. PML cau functions. Symptoms vary and may include speech problems, weakness on one side of the body, loss o or leg. PML is a late-stage disease that occurs only when the immune system is severely damaged.

Mycobacterium Avium Complex (MAC)

Mycobacterium Avium Complex is a common AIDS infection caused by a bacterium related to tuberculo infection of the respiratory tract but, in advanced HIV or AIDS, a systemic infection can affect almost ar marrow, liver or spleen. MAC causes nonspecific symptoms such as cough, fever, night sweats, weight

MAC is particularly dangerous in those with a CD4 count of 50/ml or less.

Cytomegalovirus (CMV)

Cytomegalovirus infection is a viral infection that can affect almost any organ system. A healthy immu therefore remains dormant in the body. If the immune system weakens, the virus resurfaces. Symptom nodes and pain in the muscles or throat. CMV can cause damage to the eyes (retinitis), digestive tract (

<http://www.drugs.com/aids-symptoms.html>

(hepatitis), or other organs.

CMV is particularly dangerous in those with a CD4 count of 100/ml or less.

Other Conditions and Complications

Wasting Syndrome

Extreme weight loss and anorexia caused by HIV.

AIDS Dementia

Worsening and slowing of mental function caused by HIV.



Also see: [AIDS/HIV Overview](#) | [Preventative Measures](#) | [Treating HIV](#) | [Treating Complications](#)

<http://www.drugs.com/aids-symptoms.html>

HIV/AIDS – Early Symptoms of HIV Infection

AIDS, one of the deadliest pathological condition, human race has ever seen can be hard to diagnose by mere recognizing Early Symptoms of HIV Infection. However, immediate diagnostic tests can be taken and should be monitored regularly if you witness such symptoms....

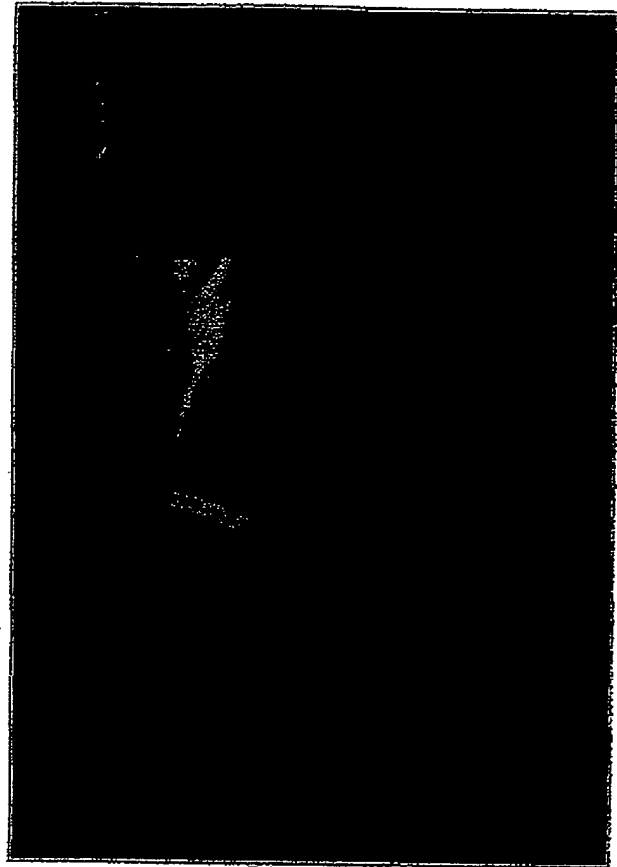
What is AIDS?

AIDS stands for **Acquired Immune Deficiency Syndrome**. It is caused by a virus called **HIV**; it stands for **Human Immunodeficiency Virus**.

HIV attacks the key cells in the human body, which fights infections. The **CD4+T Cells** are part of the immune system in a human body which fights various cancers and infections. After the attack of HIV on CD4+T cells, the immune system is no longer capable of fighting diseases caused by micro organisms. There is a substantial loss of the number of CD4+T cells and this makes the human body very vulnerable to cancers of any form.

Difference between HIV & AIDS

The term AIDS is an advanced stage of HIV infection, when there is substantial damage to the immune system. A person with HIV infection is does not necessarily get AIDS. When HIV progresses to AIDS, it is a deadly illness and there is absolutely no cure from AIDS.



Enlarge Image

Half the people who are affected by HIV develop AIDS within 10 years after becoming affected. This time varies from person to person, and many other factors like his health status and life style. A person is said to be affected by AIDS if the CD4+T cells are below 200 in number (healthy person has about 1000 CD4+T cells).

There are more than two dozen AIDS associated conditions, and if any one of these conditions is found, the person is said to be affected by AIDS.

How is the HIV infection established in our body?

The immune-system cells called dendritic cells begin the process of infection. After exposure, these cells may bind to and carry the virus from the site of infection to the lymph nodes, where other immune system cells become infected. When HIV encounters CD4+ cells, a protein called gp120 that protrudes from HIV's surface recognizes the CD4+ protein and binds tightly to it. Another viral protein, p24 forms a casing that surrounds HIV's genetic material. This genetic material is responsible for infecting the cells, producing new viruses and cause disease.

How does HIV spread?

<http://www.buzzle.com/articles/hiv-aids-early-symptoms-infection.html>

1. Sexual Intercourse: This is the most common method of spreading the HIV infection. During sexual contact, HIV can enter a body through the lining of vagina, penis, rectum or mouth. Although there are no evidences of HIV being spread by saliva, it is advised not to have an open mouthed kiss. There are possibilities of contact with blood through cuts or sores in mouth.

2. Direct Contact with Infected Blood: By use of illegal drugs, when needles or syringes contaminated with minute quantities of affected blood, HIV can be spread. Also through blood transfusions, if there is any negligence in the heat treatment of the blood before transferring from one patient to another.

3. From an Infected Mother to her unborn Child: Women transmit HIV through their fetuses during pregnancy or birth. This can be avoided if the mother takes the anti HIV drug "AZT" or Zidovudine during pregnancy. The risk is further reduced if by delivering the baby by Cesarean section.

HIV can also spread to babies through the breast milk of infected mother.

How Can HIV not spread?

Touching or hugging, sharing household items like utensils, towels, beddings, contact with sweat or tears, sharing facilities like swimming pools, saunas, hot tubs, or toilets, cough or sneeze with HIV infected persons do not spread the infection. HIV can only be transmitted through intimate contact with infected blood or body fluids.

Although sharing items like utensils, towels are harmless, it is recommended that you don't share razors and tooth brush.

Symptoms of HIV & AIDS

People infected with HIV show a few symptoms for a few years, but during asymptomatic period, HIV is multiplying fast, infecting and killing cells in the immune system. As the immune system weakens, the symptoms begin to emerge.

Early Symptoms of HIV

Some people develop symptoms within a month or two of exposure to HIV. These people have a flu-like illness with the following symptoms

1. Fever
2. Rash
3. Headache
4. Loss of appetite
5. Swollen glands
6. Achy muscles

These symptoms usually disappear after a week or so. People who experience these early symptoms don't experience any other signs of infection for a few years.

Other common Symptoms of HIV infection

Usually it takes about 8 to 10 years to notice symptoms of AIDS. These symptoms are,

1. Persistent, difficult and painful enlarged lymph nodes.
2. Excessive fatigue
3. Weight loss
4. Seizures and lack of coordination
5. Mental symptoms like confusion.
6. Frequent fevers
7. Night sweats
8. Chronic or persistent diarrhea
9. Nausea, abdominal cramps and vomiting
10. Genital sores
11. Thrush and mouth lesions
12. Rash of flaky skin
13. Stiffness in joints
14. Bone pain

<http://www.buzzle.com/articles/hiv-aids-early-symptoms-infection.html>

15. Blurred vision
16. Short term memory loss
17. Repeated viral or fungal infections.
18. Coma

As the CD4+T cell count continues to drop and the immune system deteriorates further, individuals may continue to experience the above symptoms and develop new ones as well.

People with HIV AIDS are more susceptible to various cancers such as Kaposi sarcoma, cervical cancer, and cancers of the immune system known as lymphomas. Kaposi sarcoma causes round, brown, reddish or purple spots that develop in the skin or in the mouth. After the diagnosis of HIV AIDS is made, the average survival time has been estimated to be 2-3 years.



By Jayashree Pakhare
Published: 4/28/2007

<http://www.buzzle.com/articles/hiv-aids-early-symptoms-infection.html>

EXHIBIT D

SUPPLEMENTAL DECLARATION OF JOHN S. ARTZ

I, John S. Artz, hereby declare and state as follows:

1. I am the same John S. Artz that submitted a Declaration in connection with the Petition to Accept Unavoidably Delayed Payment of Maintenance Fee in an Expired Utility Patent Pursuant to 27 C.F.R. 1.378(b) on January 19, 2007. I provide this supplemental declaration to address some additional questions. I provide the following based on my own personal knowledge.
2. In about 2000-2001, two of the clients at the Artz Firm required that we begin filing patent applications and other communications electronically with the Patent Office under the new Electronic Filing System. These clients were part of the pilot program with the Patent Office. Prior to this time, our secretaries had done most everything by mail, such as Express Mail. Our legal secretaries worked with people from the Patent Office, and also worked with the administrative assistants that worked in-house for our clients in order to learn the EFS system. Since that time, the Artz Firm, including my secretary, Mrs. Latitia Ford, used the EFS system to file documents and make payments to the Patent Office.
3. At some point in 2002-2003, the Patent Office changed its procedures to allow maintenance fee payments to be paid over the Internet with the payment being charged to a deposit account or credit card. This is how we operated at the Artz Firm thereafter.
4. Once the Artz Firm began electronically filing their applications and paying maintenance fees on line, the attorneys did not need to physically sign any transmittal

documents. Where needed for patent applications, the Patent Office allowed an attorney's electronic signature to be inserted in lieu of a handwritten signature. For maintenance fees, even that was not required. The Patent Office allows anyone to pay a maintenance fee; an attorney's authorization is not needed.

5. Prior to the electronic payment of maintenance fees, Mrs. Ford and other legal secretaries at the Artz Firm mailed the maintenance fee payments to the Patent Office with a maintenance fee transmittal.

6. The payment of maintenance fees electronically using the Patent Office website is a relatively simple task and is merely a clerical function. If a maintenance fee payment appeared on an attorney's docket and the attorney had or received instructions to pay it, the attorney would instruct the secretary to pay the fee electronically. The secretary would then log onto the Patent Office website and pay the fee by charging it to the deposit account. Also, the secretary could print out a maintenance fee statement at that time that would indicate that the payment had been made. The secretary would then advise the attorney so it could be removed from the docket.

7. This is also the way it is currently done at my current firm by the legal secretaries, many of whom were at the DW firm before it was merged with Artz & Artz. It is also common practice with our larger clients who were responsible for the payment of maintenance fees to have their legal secretaries make the payments.

8. Examples illustrating the electronic payment of maintenance fees by Mrs. Ford are attached hereto as Exhibit 1.

9. Latitia Ford worked for Artz & Artz from 2000-2005. Throughout that time, Latitia was an outgoing and friendly person with an engaging personality. During the time that Mrs. Ford worked for me, she never told me that she was sick or had been diagnosed with any serious illness. Also, I never saw any signs or symptoms that she was sick or ill. She did not miss any significant time from work and always did her work functions in a cheerful and satisfactory manner. During the time we worked together, I never noticed any unusual change in Latitia's behavior or disposition. I similarly never noticed any decrease in her work efficiency.

10. Indeed, a week or two after Mrs. Ford left the Artz Firm in March 2005, she went on a previously scheduled vacation with her parents. A couple of days after she returned, she came into the office and spent an hour or so visiting with people and talking about her trip. She did not exhibit any signs or symptoms of illness during that visit and seemed to be the same Latitia I had always known.

11. The first time I ever heard anything about Latitia being ill was in about June 2005 when one of her friends called the office to inform us that she had been admitted to the hospital. She died shortly thereafter in July 2005. I never had any reason to suspect that this was an illness that she had while at the Artz Firm. I certainly never had any reason to believe that while working at the Artz Firm she had been suffering from an illness that could have affected her mental or physical abilities. She took care of her two children, attended their after-school events, and was active in other activities, including church functions. I understand that she successfully hid her illness from her family and children as well as everyone else at the Artz Firm.

12. After Latitia died, I along with others in the Artz Firm attended her funeral. Nothing about her cause of death was mentioned there. The only thing I ever heard about the cause of her death was that she died of a "brain infection". I assumed that this was something that came on after she had left the firm. We cared deeply for Latitia and the Artz Firm created a college scholarship fund for her children.

13. As set forth in the original Petition, I only became aware of the severity and length of her illness in early 2007 when I spoke with her widowed second husband, Rafael Ford. He told me that she hid her illness from her family, friends, kids, and everyone at the Artz Firm. Her mother confirmed this. While Mr. Ford did not tell me the exact cause of her death, he told me that she had been experiencing lapses in memory and forgetfulness.

14. In early 2007, after the missed maintenance fee was discovered and Mr. Ford had advised us of the additional facts, we had our attorneys and staff review the files and matters that Mrs. Ford had worked on while at the Artz Firm to make sure that all other dates were met and assignments were complete. They all were. This maintenance fee payment was the only thing she missed.

15. In the January 2007 Petition, we stated that Mrs. Ford did not appear to be herself by early 2005 (actually late 2004) and indicated that she was a little "overwhelmed." By this, I only meant that she did not appear to be as cheerful or carefree as I had become accustomed. (And, in fact, I took this in the same vein that others have said they were having a "bad day". Everyone feels that way at times.) I also partly attributed this to Mrs. Ford's personal issues unrelated to work. Specifically, I was

aware that her son had experienced periodic behavioral issues. I also was aware that she ultimately decided to send him to Kansas to live with his father (Latitia's first husband) for a year. After discussions with Mrs. Hubbard (Latitia's mother), I realized that this occurred in late 2004. These issues, however, never affected the quality of her work and were not something that gave me any cause for concern.


16. I now know the cause of her death and became aware of it in early 2007. Even with the benefit of hindsight, I cannot think of any sign or evidence that would have caused me (or anyone else for that matter) to suspect earlier that she was sick or that she had an illness or other condition that affected her ability to do her job or that affected her physical or mental capabilities.

17. In about February, 2007, I became aware of the specific fatal illness that she had and which ultimately was the cause of her death. This was when counsel for a competitor sent me a copy of her death certificate. We have tried to respect her privacy and have not stated the nature of that illness as recorded on the death certificate. She had gone to great lengths to keep it secret, particularly from her children, and we would like to maintain that privacy out of respect for her. If the Petitions Attorney needs more specific information, however, we can discuss a way to provide that information in a confidential manner.

This Declaration is being signed under penalty of perjury. I hereby declare that all statements made therein of my own knowledge are true and all statements made on information and belief are believed to be true. Further, all statements made in the above

Declaration were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001.

Date: January 7, 2008



John S. Artz

EXHIBIT 1



Customer No 000000

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DATE PRINTED
01/07/2008

LYON & ARTZ
SUITE 250
28333 TELEGRAPH ROAD
SOUTHFIELD MI 48034

MAINTENANCE FEE STATEMENT

According to the records of the U.S. Patent and Trademark Office (USPTO), the maintenance fee and any necessary surcharge have been timely paid for the patent listed below. The "PYMT DATE" column indicates the payment date (i.e., the date the payment was filed).

The payment shown below is subject to actual collection. If the payment is refused or charged back by a financial institution, the payment will be void and the maintenance fee and any necessary surcharge unpaid.

Direct any questions about this statement to: Mail Stop M Correspondence, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450.

PATENT NUMBER	FEE AMT	SUR CHARGE	PYMT DATE	U.S. APPLICATION NUMBER	PATENT ISSUE DATE	APPL. FILING DATE	PAYMENT YEAR	SMALL ENTITY?	ATTY DKT NUMBER
5,483,932	\$2,850.00	\$0.00	07/16/03	08/230,642	01/16/96	04/21/94	08	NO	SIMP 0109 PUS



**United States
Patent and
Trademark Office**



Deposit Account Statement

Requested Statement Month: July 2003
Deposit Account Number: 500476
Name: JOHN A ARTZ P.C.
Attention: JOHN A. ARTZ
Street Address 1: 28333 TELEGRAPH ROAD
Street Address 2: SUITE 250
City: SOUTHFIELD
State: MI
Zip: 48034
Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
				1001	\$750.00	\$8,062
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				1707	\$134.00	\$7,738
				8007	\$20.00	\$7,718
				1001	\$750.00	\$6,968
				8021	\$40.00	\$6,928
				1001	\$750.00	\$6,178
				8021	\$40.00	\$6,138
				1001	\$750.00	\$5,388
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				8021	\$40.00	\$5,264
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				1001	\$750.00	\$8,249
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				1201	\$168.00	\$7,199
				1801	\$750.00	\$6,449
				1201	\$84.00	\$6,365
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				1001	\$750.00	\$5,775

<http://www.uspto.gov/pat/cgibin/ptolm/ptolm11.exe?i=0000015102> ATZ C. N. S. P. 11/11/2003

07/17 11 5483932 SIMP 0109 PUS

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9204	-\$130.00	\$9,090
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8021	\$40.00	\$5,630
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1504	\$300.00	\$3,670
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SUM OF
REPLENISH
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BALANCE
\$1,262.00

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<https://www.uspto.gov/portal/Controller/SessionId/00000000-0000-0000-0000-000000000000>



Customer No 000000

ISTMT

DATE PRINTED
01/08/2008

JOHN A ARTZ
28333 TELEGRAPH ROAD
SUITE 250
SOUTHFIELD MI 48034

MAINTENANCE FEE STATEMENT

According to the records of the U.S. Patent and Trademark Office (USPTO), the maintenance fee and any necessary surcharge have been timely paid for the patent listed below. The "PYMT DATE" column indicates the payment date (i.e., the date the payment was filed).

The payment shown below is subject to actual collection. If the payment is refused or charged back by a financial institution, the payment will be void and the maintenance fee and any necessary surcharge unpaid.

Direct any questions about this statement to: Mail Stop M Correspondence, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450.

PATENT NUMBER	FEE AMT	SUR- CHARGE	PYMT DATE	U.S. APPLICATION NUMBER	PATENT ISSUE DATE	APPL FILING DATE	PAYMENT YEAR	SMALL ENTITY?	ATTY DKT NUMBER
6,135,921	\$455.00	\$65.00	09/28/04	09/203,446	10/24/00	12/01/98	04	YES	HOLL 0101 PUS



**United States
Patent and
Trademark Office**



Deposit Account Statement

Requested Statement Month:	September 2004
Deposit Account Number:	500476
Name:	JOHN A ARTZ P.C.
Attention:	JOHN A. ARTZ
Street Address 1:	28333 TELEGRAPH ROAD
Street Address 2:	SUITE 250
City:	SOUTHFIELD
State:	MI
Zip:	48034
Country:	UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
				1811	\$100.00	\$11,249.0
				1202	\$18.00	\$11,231.0
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				1806	\$180.00	\$10,726.0
				1204	\$86.00	\$10,640.0
				1202	\$198.00	\$10,442.0
				1801	\$770.00	\$9,672.00
				1252	\$420.00	\$9,252.00
				1806	\$180.00	\$9,072.00
				8001	\$15.00	\$9,057.00
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				1205	\$306.00	\$7,637.00
				1201	\$86.00	\$7,551.00
				1202	\$180.00	\$7,371.00
				2251	\$55.00	\$7,316.00
				2201	\$172.00	\$7,144.00
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\$11,349.00			\$33,853.00	\$37,475.00	\$14,971.00

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<https://ramms.uspto.gov/eram/Controller:isessionid=0000PJVDtddCmsflklcr1PCf-vC:11g...> 12/17/2007

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Maintenance Fee Statement**6066056**

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If a maintenance fee payment is defective, the reason is indicated by code in column 11, "STAT" below. TIMELY CORRECTION IS REQUIRED IN ORDER TO AVOID EXPIRATION OF THE PATENT. NOTE 37 CFR 1.377. THE PAYMENT(S) ENTERED UPON RECEIPT OF ACCEPTABLE CORRECTION. IF PAYMENT OR CORRECTION IS SUBMITTED DURING THE GRACE PERIOD, A SURCHARGE IS ALSO REQUIRED. NOTE 37 CFR 1.20(k) and (j).

If the statement of small entity status is defective the reason is indicated below in column 10 for the related patent number. THE STATEMENT OF SMALL ENTITY STATUS WILL BE ENTERED UPON RECEIPT OF ACCEPTABLE CORRECTION.

ITEM NR	PATENT NUMBER	FEE CODE	FEE AMT	SUR CHARGE	SERIAL NUMBER	PATENT DATE	FILE DATE	PAY YR	SML ENT	STAT
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ITEM NR	ATTY DCT NUMBER
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Deposit Account Statement

Requested Statement Month: December 2003
 Deposit Account Number: 500476
 Name: JOHN A ARTZ P.C.
 Attention: JOHN A. ARTZ
 Street Address 1: 28333 TELEGRAPH ROAD
 Street Address 2: SUITE 250
 City: SOUTHFIELD
 State: MI
 Zip: 48034
 Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
				8021	\$40.00	\$10,
				1202	\$252.00	\$10,
				1201	\$86.00	\$10,
				7004	\$150.00	\$10,
				1202	-\$36.00	\$10,
				8007	\$60.00	\$10,
				1001	\$770.00	\$9,2
				8021	\$40.00	\$9,2
				7004	\$150.00	\$9,0
12/03	105	6066058	WLI 1005 PUS	2551	\$455.00	\$8,6
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				2552	\$1,045.00	\$7,5
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				2551	\$455.00	\$6,9
				2554	\$65.00	\$6,9
				8021	\$40.00	\$6,8
				2551	\$455.00	\$6,4
				2554	\$65.00	\$6,3
				2551	\$455.00	\$5,9
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				1401	\$330.00	\$15,
				1202	\$702.00	\$14,
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<https://ramps.uspto.gov/eram/Controller;isessionid=0000JKR1F7MnzCCV6H1HWNnFR...> 12/17/2007



0041/0082
Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Customer No 27256

ISTMT

DATE PRINTED
01/08/2008

Dickinson Wright PLLC
38525 Woodward Avenue
Suite 2000
Bloomfield Hills MI 48304

MAINTENANCE FEE STATEMENT

According to the records of the U.S. Patent and Trademark Office (USPTO), the maintenance fee and any necessary surcharge have been timely paid for the patent listed below. The "PYMT DATE" column indicates the payment date (i.e., the date the payment was filed).

The payment shown below is subject to actual collection. If the payment is refused or charged back by a financial institution, the payment will be void and the maintenance fee and any necessary surcharge unpaid.

Direct any questions about this statement to: Mail Stop M Correspondence, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450.

PATENT NUMBER	FEE AMT	SUR CHARGE	PYMT DATE	U.S. APPLICATION NUMBER	PATENT ISSUE DATE	APPL FILING DATE	PAYMENT YEAR	SMALL ENTITY?	ATTY DKT NUMBER
6,085,354	\$455.00	\$0.00	12/04/03	09/081,922	07/11/00	05/20/98	04	NO	WLI 1134 PUS



**United States
Patent and
Trademark Office**

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Maintenance Fee Statement

6085354

The data shown below is from the records of the Patent and Trademark Office. If the maintenance fees and any necessary surcharges have been timely paid for the patents listed below, the notation "PAID" will appear in column 11, "STAT" below.

If a maintenance fee payment is defective, the reason is indicated by code in column 11, "STAT" below. TIMELY CORRECTION IS REQUIRED IN ORDER TO AVOID EXPIRATION OF THE PATENT. NOTE 37 CFR 1.377. THE PAYMENT(S) ENTERED UPON RECEIPT OF ACCEPTABLE CORRECTION. IF PAYMENT OR CORRECTION IS SUBMITTED DURING THE GRACE PERIOD, A SURCHARGE IS ALSO REQUIRED. NOTE 37 CFR 1.20(k) and (l).

If the statement of small entity status is defective the reason is indicated below in column 10 for the related patent number. THE STATEMENT OF SMALL ENTITY STATUS WILL BE ENTERED UPON RECEIPT OF ACCEPTABLE CORRECTION.

ITEM NBR	PATENT NUMBER	FEE CDE	FEE AMT	SUR CHARGE	SERIAL NUMBER	PATENT DATE	FILE DATE	PAY YR	SML ENT	STAT
1 000000	6,085,354	2551	455	0	09/081,922	07/11/00	05/20/98	04	YES	PAID

ITEM NBR	ATTY DKT NUMBER

1

DAREDEV.013D

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<https://ramps.uspto.gov/eram/Controller.jsessionid=ramps.uspto.gov-a3ca:3fcf8cd8:456182...> 12/4/2003



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Patent and
Trademark Office**

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Deposit Account Statement

Requested Statement Month: December 2003
 Deposit Account Number: 500476
 Name: JOHN A ARTZ P.C.
 Attention: JOHN A. ARTZ
 Street Address 1: 28333 TELEGRAPH ROAD
 Street Address 2: SUITE 250
 City: SOUTHFIELD
 State: MI
 Zip: 48034
 Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
				8021	\$40.00	\$10,
				1202	\$252.00	\$10,
				1201	\$86.00	\$10,
				7004	\$150.00	\$10,
				1202	-\$36.00	\$10,
				8007	\$60.00	\$10,
				1001	\$770.00	\$9,2
				8021	\$40.00	\$9,2
				7004	\$150.00	\$9,0
				2551	\$455.00	\$8,6
				2554	\$65.00	\$8,5
				2552	\$1,045.00	\$7,5
				2555	\$65.00	\$7,4
				2551	\$455.00	\$6,9
				2554	\$65.00	\$6,9
				8021	\$40.00	\$6,8
				2551	\$455.00	\$6,4
				2554	\$65.00	\$6,3
12/04	127	6085354	WLI 1134 PUS	2551	\$455.00	\$5,9
				2551	\$455.00	\$5,4
				9203	-\$10,000.00	\$15,
				1401	\$330.00	\$15,
				1202	\$702.00	\$14,
				1201	\$602.00	\$13,
				9204	-\$950.00	\$14,
				1502	\$480.00	\$14,

<https://ramps.>

JOHN A ARTZ P.C.

12/17/2007



United States Patent and Trademark Office

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Maintenance Fee Statement

6122769

The data shown below is from the records of the Patent and Trademark Office. If the maintenance fees and any necessary surcharges have been timely paid for the patents listed below, the notation "PAID" will appear in column 11, "STAT" below.

If a maintenance fee payment is defective, the reason is indicated by code in column 11, "STAT" below. TIMELY CORRECTION IS REQUIRED IN ORDER TO AVOID EXPIRATION OF THE PATENT. NOTE 37 CFR 1.377. THE PAYMENT(S) ENTERED UPON RECEIPT OF ACCEPTABLE CORRECTION. IF PAYMENT OR CORRECTION IS SUBMITTED DURING THE GRACE PERIOD, A SURCHARGE IS ALSO REQUIRED. NOTE 37 CFR 1.20(k) and (l).

If the statement of small entity status is defective the reason is indicated below in column 10 for the related patent number. THE STATEMENT OF SMALL ENTITY STATUS WILL BE ENTERED UPON RECEIPT OF ACCEPTABLE CORRECTION.

ITEM NR	PATENT NUMBER	FEE CODE	FEE AMT	SUR CHARGE	SERIAL NUMBER	PATENT DATE	FILE DATE	PAY YR	SML ENT	STAT
1	6,122,769	2551	455	0	09/128,958	09/26/00	08/04/98	04	YES	PAID
000000										

ITEM NR	ATTY DKT NUMBER

1

DAREDEV.013C

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<https://ramps.uspto.gov/eram/Controller.jsessionid=ramps.uspto.gov-a437:3fcf8e11:dba422...> 12/4/2003



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Patent and
Trademark Office**

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Deposit Account Statement

Requested Statement Month: December 2003
Deposit Account Number: 500476
Name: JOHN A ARTZ P.C.
Attention: JOHN A. ARTZ
Street Address 1: 28333 TELEGRAPH ROAD
Street Address 2: SUITE 250
City: SOUTHFIELD
State: MI
Zip: 48034
Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
				8021	\$40.00	\$10,
				1202	\$252.00	\$10,
				1201	\$86.00	\$10,
				7004	\$150.00	\$10,
				1202	-\$36.00	\$10,
				8007	\$60.00	\$10,
				1001	\$770.00	\$9,2
				8021	\$40.00	\$9,2
				7004	\$150.00	\$9,0
				2551	\$455.00	\$8,6
				2554	\$65.00	\$8,5
				2552	\$1,045.00	\$7,5
				2555	\$65.00	\$7,4
				2551	\$455.00	\$6,9
				2554	\$65.00	\$6,9
				8021	\$40.00	\$6,8
				2551	\$455.00	\$6,4
				2554	\$65.00	\$6,3
				2551	\$455.00	\$5,9
12/04	128	6122769	WLI 1135 PUS	2551	\$455.00	\$5,4
				9203	-\$10,000.00	\$15,
				1401	\$330.00	\$15,
				1202	\$702.00	\$14,
				1201	\$602.00	\$13,
				9204	-\$950.00	\$14,
				1502	\$480.00	\$14,

EXHIBIT E

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

WARRIOR SPORTS, INC.,

Plaintiff,

v.

JONATHON W. DUDAS,

Defendant.

DECLARATION OF JOHN S. ARTZ

I, John S. Artz, hereby declare and state as follows:

1. Shortly after receiving the December 2007 decision, I called and spoke with Ms. Patricia Faison-Ball, the Senior Petitions Attorney who examined the First Petition in connection with U.S. Patent No. RE38,216 ("the '216 Patent") and signed the December 2007 decision. I sought clarification on the reasons for the denial and to seek advice relative to another issue.

2. Initially, the December 2007 decision also was not received by our office for a week or so as it was sent to an incorrect address. The address did not have a street address, only a floor number and a city designation. Despite the fact that I was listed as the counsel of record for the '216 Patent and had sent in a request to make sure that his current address was in the record, the PTO negligently sent the decision to another address which was not even complete. When we asked them to send us a copy of the decision, they refused and told us to wait to receive it in the mail. We never did. We obtained a copy of the decision from another party who obtained it from the Petitions Office. It was at that time that we noted the incorrect and incomplete address.

3. The additional issue I raised with Ms. Faison-Ball related to the nature of Ms. Ford's illness, namely the HIV Virus and AIDS and whether or not revealing the details of her

cause of death was necessary. I had the Death Certificate and wanted to respect and protect Ms. Ford's privacy, if possible. I believed that it was not necessary to reveal the exact cause of her death unless the PTO wanted it. Ms. Ford had taken steps during her time at the Artz firm to keep the nature and extent of her illness secret from everyone including her mother and two young children, and the Artz Firm did not want to reveal it if it were not absolutely necessary.

4. During the telephone conference, I explained the situation to Senior Petitions Attorney Faison-Ball and asked her if the PTO needed such information. She indicated it was not needed. Mr. Artz left a standing offer to supply the medical information regarding Ms. Ford if the PTO wanted to see it in the future and memorialized this in a Declaration submitted with Warrior's Second Petition. That offer was never acted upon by the PTO. Ms. Faison-Ball also indicated that if the PTO needed the information, it would dismiss the Petition again and request the information. Instead, the PTO used the fact that the medical information was not supplied as a reason for denying Warrior's Second Petition.

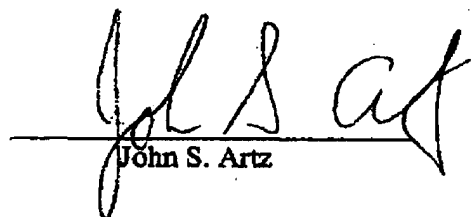
5. During my telephone conference with the Senior Petitions Attorney Ms. Faison-Ball, she admitted that she was not aware that maintenance fees could be filed electronically or that their payment was a clerical function. However, it is common knowledge by patent practitioners that the payment of maintenance fees is a clerical function and is routinely made by administrative personnel, outside contractors, or the clients themselves.

6. Ms. Ford's husband, Mr. Raphael Ford, told me orally in early 2007 that Ms. Ford had been experiencing confusion and memory loss in 2004. I provided this information in my prior Declaration. Since that date, attempts to contact Mr. Ford to secure a Declaration and permission to see Ms. Ford's medical records have been unsuccessful.

7. The August 2008 decision also was not received by us for a week or so as it was sent to the same incorrect address as the December 2007 decision, which only specified a floor number and city, but not street address. After the PTO improperly addressed the December 2007 decision (which Mr. Artz never received), the Petitioner sent in additional information to insure that the correspondence address of record was correct. Despite this, the PTO failed to utilize this information and continued to send information to an incorrect address. The second decision also was never received by Mr. Artz by mail from the PTO.

This Declaration is being signed under penalty of perjury. I hereby declare that all statements made therein of my own knowledge are true and all statements made on information and belief are believed to be true. Further, all statements made in the above Declaration were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001.

Date: August 29, 2008



John S. Artz

BLOOMFIELD 939438v2

EXHIBIT F

DECLARATION OF JOHN A. ARTZ

John A. Artz declares as follows:

1. I am a patent attorney having graduated from the University of Michigan with a degree in Aerospace Engineering in 1965 and from the University of Michigan Law School with a J.D. degree in 1968. I spent my first six years with a large patent firm in New York City and the next 24 with two patent law firms in Michigan (Harness, Dickey & Pierce and Brooks & Kushman). I started my own firm in 1998 specializing in patent law and other intellectual property law matters.

2. I am registered to practice before the United States Patent and Trademark Office (Registration No. 25,824) and believe I am very experienced in all areas of patent preparation and prosecution matters.

3. When John S. Artz and I started Artz & Artz (formerly Lyon & Artz with Lyman Lyon who subsequently passed away), we immediately purchased and established a computerized docketing system. We selected Computer Packaging, Inc. ("CPI") with headquarters in Rockville, Maryland, to set up and run our docketing system. I was aware of CPI and their abilities since both of my previous patent firms in Michigan also used their computerized docketing system. (Attached as Exhibit A is a copy of the first few pages from the CPI instruction manual.)

4. We also hired an experienced docketing administrator to input data into the system and run periodic reports (called "docketing reports"). The docket administrator had worked with the CPI docketing system for over 10 years at another patent firm. She

ran our docketing system reliably and efficiently through 2006 when she left. She also helped train other staff personnel who have assumed her duties and responsibilities.

5. The files of all of the clients that came with us were immediately entered into the CPI docketing system. Procedures were also established to input data for new files and new clients. The firm has grown to 10 attorneys today, and we represent hundreds of clients. The data from all of the patent and trademark files for all of our clients have been entered into the CPI system.

6. The CPI system automatically calculates relevant action items and due dates for all of the patent and trademark files. In accordance with our firm policies and procedures, docket reports are printed out by our docketing administrator on a regular basis from the CPI system and provided to each of the attorneys and their secretaries. All of the attorneys and secretaries have been trained to review the docket reports individually, make any notes as appropriate, and then meet together to go over the individual matters on the docket and decide how to take care of each one. Each attorney has the responsibility for certain clients or matters on the docket. I believe that this procedure has been followed by all of the attorneys and secretaries at the Artz firm from 1998 to the present time.

7. Incoming mail is opened on a daily basis and all Patent Office communications are sent to the docketing administrator immediately for entry into the CPI system. If there is a time period for short response, a copy of the PTO communication is provided to the responsible attorney immediately. It is the responsibility of each attorney to review the docket reports relative to the cases and

clients that he or she is responsible for and to make sure that each docket entry is satisfied or taken care of in an appropriate manner. The attorneys also keep their own dockets individually on a calendar or docket report.

8. We have periodic meetings at the Artz firm and discuss any new procedures or standards relative to patent law matters. These include any new PTO rules and regulations relative to preparation, prosecution and maintenance of patent applications and issued patents. Also, copies of all new rules, regulations and procedures are provided to each attorney and their secretary either by email or hard copy.

9. All of our secretaries and staff have been trained in the applicable patent and trademark preparation and prosecution areas, as well as post-issuance maintenance procedures. Ms. Latitia Ford was one of those staff members from 2000-2005. I helped hire Ms. Ford along with the Office Manager. Ms. Ford was bright and capable, as well as reliable and responsible.

10. Ms. Ford started with the Artz firm as a bookkeeper, but as her abilities became apparent, she soon assumed numerous other jobs and duties at the firm. She had good cognitive and computer skills. In 2002, she was promoted to legal secretary and was assigned to work for Mr. John S. Artz. All of us spent time training Ms. Ford, and she turned into an excellent patent legal secretary. She picked it up quickly and seemed to really like what she was doing. She and Mr. Artz worked together as a team and took over responsibility for many clients, including Warrior Lacrosse.

11. In early 2005, Ms. Ford's attitude appeared to change. When asked, she merely indicated that she was "overwhelmed". She left in March 2005. A month or two

later, we heard she was in the hospital and had a "brain infection." None of us at the firm knew she was sick. She hid it from all of us. In August 2005, she passed away. All of us were saddened by her death since she had been a big part of our "family" at the firm for several years. In order to help her two children, we set up a trust fund for them which they are to use for their college education.

12. After we heard that there was a possibility that the second maintenance fee for the '216 reissue patent which succeeded the '925 patent had not been paid, we did not believe it. However, after thoroughly investigating the situation, we have been unable to find any evidence that it had been paid. This was a complete surprise to us since we have not had any other cases or patents lapse due to inadvertent non-payment of requisite maintenance fees throughout our history. In this regard, over the last few days, we have reviewed the CPI system and files that Ms. Ford worked on while she was here (including all Warrior files) and did not find any others where she had not paid a docketed fee or taken steps as requested by Mr. John S. Artz. We also have checked all files of all Artz firm clients and did not find a single error or irregularity relative to maintenance fee payments.

13. As to maintenance fees in particular, our investigation showed that during the 2002-2005 time period, Ms. Ford made ten maintenance fee payments on patent cases (all at the request of Mr. Artz). The only maintenance fee that apparently was not paid was the second maintenance fee for the '216 reissue ('925) patent. After about mid-2003, Ms. Ford made the maintenance fee payments electronically. The electronic transactions

paid the fee from the Artz firm deposit account and did not require signatures on any documents.

14. Of the eleven maintenance fee payments that Ms. Ford was responsible for, the '216 reissue ('925) maintenance fee payment was the last one and was the closest to the time that she left the Artz firm. The eight year date for that maintenance fee payment was on October 29, 2004.

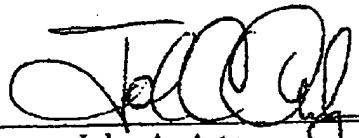
15. As part of our investigation, we also contacted Ms. Ford's husband, Raphael Ford, whom we came to know during the time that Ms. Ford worked here. He advised us that Ms. Ford had been diagnosed with a terminal illness and hid it from him and the rest of her family, including her parents and her two children. He also stated that he had noticed that over the last year or so before her death that she had started to forget dates and appointments, and also lost lapses of time in her memory. He believed that this was caused by her illness.

16. I believe that the Artz firm has an extremely competent and reliable docketing system. It also has an excellent and well run procedure for recording, maintaining and meeting all dates and action items that came up during the practice of patent law and other intellectual property law matters. I believe that we have competent and trained secretaries and staff personnel who are sufficiently reliable and responsible for taking care of all patent and intellectual property matters, either by themselves or by assisting our attorneys. Ms. Ford was one of those staff members.

This Declaration is being signed under penalty of perjury. I hereby declare that all statements made therein of my own knowledge are true and all statements made on

information and belief are believed to be true. Further, all statements made in the above Declaration were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001.

Date: January 19 2007


John A. Artz



Patent Management System

ACCESS 97

COMPUTER PACKAGES INC.
414 HUNGERFORD DRIVE
SUITE 300
ROCKVILLE, MARYLAND 20850
(301) 424-8890

AUGUST 1997

EXHIBIT A

COMPUTER PACKAGES INCORPORATED
PATENT MANAGEMENT SYSTEM
FOR WINDOWS

The Computer Packages Patent Management System for Windows is a personal computer based docketing system using the Microsoft Access data base language. The system is designed from the most widely used patent docketing system in the world. The initial system was developed in 1968.

A major function of the system is to provide for the reliable maintenance of deadlines required for the management of patents. Where logically possible, the system will calculate deadlines to reduce both the risk of error and data-entry effort. The user also has the ability to enter unlimited action deadlines. A history of actions is kept in the system.

Reducing the effort required to find a patent, or group of patents, is another important function of the system. The system allows for retrieval on a combination of data fields or string of characters within a data field. The search can be requested on a record by record basis, or a table of all records fitting the search criteria.

The system contains commonly requested reports, including a docket report which can be printed for any date range desired. The system also includes a custom report generator which allows the user to create his own reports.

There are several selections to choose from on the main menu of the system. The Invention Data, Country Application, and Action Due screens are where the majority of data entry and searching will be done. These screens are linked together to preserve the family concept of the patents. For each invention record, you may enter an unlimited number of country applications. The link between these two screens is the case number. Similarly, for each country application record, you may enter an unlimited number of actions. The link between these two screens is case number, country and sub case.

The Patent Management System User's Guide was created to be a quick reference to help users of the system maintain their patent portfolio. The User's Guide is divided into six different sections focusing on data entry, searching, reporting, queries, system administration and form letters.

The **DATA ENTRY** section provides a list of the different types of fields you will encounter within the system, commonly used toolbar buttons, and function buttons. This section also provides instruction on how to move about the system, a description of the fields found on the main data entry forms, instruction on how to enter different types of applications, and how to docket actions.

SEARCHING begins with examples of basic searches and moves on to more advanced searching techniques later in the section.

The **QUERIES** section provides detailed instructions for creating your own queries. As you become more familiar with your system and you begin creating your own reports,

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**COMPUTER PACKAGES INCORPORATED
PATENT MANAGEMENT SYSTEM
FOR WINDOWS**

this will become an excellent reference. Explanations are provided for creating both basic and more advanced queries.

All of the defined reports are described in the *REPORTS* section with an example of each. In the second half of the section are instructions for creating and modifying your own reports. You may save any reports that you create yourself for future use.

SYSTEM ADMINISTRATION provides you with a diagram of how the system is physically set up, how to compact and repair the database, how to set up security and new users in the system, and what the system options should be set to. There is also a description for each of the selections on the Utility Menu.

The *LETTER GENERATION* section illustrates the merging capabilities between Microsoft Word and Microsoft Access.

The Microsoft Access Manual may be used along with Computer Packages User's Guide and will supply more technical support on the operation of the system. References are made to the Access Manual throughout the User's Guide.

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EXHIBIT G

DECLARATION OF JOHN S. ARTZ

I, John S. Artz, hereby declare and state as follows:

Background:

1. I am currently a member of the intellectual property law firm of Artz & Artz ("the Artz law firm") and have been since its inception in February 1998.

2. I graduated from the University of Michigan in 1989 with a Bachelor of Science Degree in Mechanical Engineering. I then attended law school at the Detroit College of Law where I graduated in 1992 *cum laude* with a J.D. I am also registered to practice before the Patent and Trademark Office (Reg. No. 36,431).

3. After graduation from law school, I worked in Chicago as a patent attorney at the intellectual property law firm of McAndrews, Held & Malloy. In 1992, my wife and I returned to Michigan where I accepted employment as a patent attorney at the intellectual property law firm of Brooks & Kushman P.C. in Southfield, Michigan. I engaged in patent prosecution at both of these firms and thus utilized their respective docketing procedures and systems to track dates.

Firm Docketing Procedures:

4. When we started the Artz law firm, one of the first things we did was ensure that we had a reliable docketing system. We purchased docketing software from Computer Packages, Inc. ("CPI") and utilized it as our docketing system for both patents and trademarks. This is the same docketing system and software that was utilized by Brooks & Kushman and, to my knowledge, is also utilized by numerous other intellectual property firms.

5. In connection with setting up the docketing system, we also established docketing procedures that were consistent with the procedures I was familiar with from Brooks & Kushman and that John A. Artz was familiar with from his 30-plus years of experience with patent law firms. These procedures have remained substantially unchanged since they were first established and have been dependable, reliable, and trustworthy. To my knowledge, the CPI computer docketing system that we have used has never caused any errors and we have not missed any dates due to the CPI docketing system. Similarly, the procedures that we employed and personnel that we trained to ensure that the appropriate information is docketed and that notices are provided of the action items and due dates, have also been dependable, reliable, and trustworthy.

6. When we started the firm, we hired a docketing administrator to assist in interfacing with the CPI system and to assist in implementing the firm's docketing procedures. The docketing administrator had been working with the CPI docketing system at another intellectual property firm for over ten (10) years before beginning work at the Artz law firm. The docketing administrator also assisted in training other employees on the CPI docketing system.

7. I have reviewed the statement of docketing procedures set forth in the Declaration of John A. Artz, the managing partner of the Artz firm. I personally have followed these procedures and from my experience so have all of the other attorneys at the Artz firm, as well as the secretaries.

Ms. Latitia Ford's Background, Training, And Experience:

8. Ms. Latitia Ford ("Ms. Ford") started working for the Artz firm in 2000 as a bookkeeper in our accounting department. Ms. Ford graduated from Cass Technical High School in Detroit, Michigan, and attended college for two years at Central Michigan University. She worked in the administrative office at the University of Detroit High School before starting with the Artz firm. She left the Artz firm in March 2005 and is now deceased. It was clear from the beginning that Ms. Ford was extremely bright, dedicated, and responsible. Within a couple of months she had a full grasp of the accounting and billing system and, in fact, had decreased by several days the time period from when the firm's pre-bills were first run to when they were mailed.

9. She was promoted in early 2002 to a position as a legal secretary. She was primarily assigned to work for me. When she began working for me, she received extensive training in a variety of areas, including the CPI docketing system and the electronic filing of patent applications. (The Artz firm has two clients that were beta testers of the electronic filing system with the Patent Office.) While she had become familiar with the docketing system and procedures in connection with her other duties, the docketing administrator and other firm secretaries completed the training on these matters. She, together with other secretaries and staff members, also received refreshers and updated training as the need arose. As a result, Ms. Ford became proficient and was well trained in all aspects with respect to the firm's docket and docketing procedures.

My Personal Docketing Procedures:

10. As standard practice in the Artz firm, the docket administrator prepared docket reports on a regular basis and distributed copies to each attorney and secretary. The docket reports listed all upcoming action items and their due dates. Attached as Exhibit A is a copy of recent representative docket report (with confidential information redacted).

11. Once the docket reports were received, Ms. Ford and I would go over them individually and then meet and discuss the entries and any outstanding issues. Since many of the items were merely status inquiries, she would check the files in advance of our meeting and report her findings during our meeting. As to outstanding matters, we would divide the responsibility depending on the task. For example, I would respond to Office Actions and she would see to it that PTO fees were paid. She also would let me know if something had been completed so I could take it off my copy of the docket report.

12. Only when something was completed would I take it off my copy of the docket report. Thus, if I instructed Ms. Ford to perform a task, this instruction would be noted on my personal docket. I would only remove it from my personal docket after she informed me that she had completed a certain action item. After she advised me of the completion of an item, I would remove it (i.e. cross it off) from my personal docket, which would indicate to me that this item was done. When all items on my personal docket were completed, I discarded it in favor of a new personal docket that would be created when a new docket report was reviewed.

13. I attest that Ms. Ford and I followed these procedures at all relevant times. During the time that she worked for me from early 2002 through March 2005, due to utilization of the Artz firm's docketing system and by following these procedures, we did not miss any dates and I believe that everything that was supposed to be done was done and was completed in a timely fashion.

14. My usual procedure regarding the timely payment of maintenance fees is the same as set forth above. Specifically, when a maintenance fee payment item appeared on my docket, Ms. Ford and I would notice the date and to the extent we did not already have instructions to pay the fee, we would seek guidance from the client. To pay the maintenance fee, I instructed Ms. Ford to take the necessary steps to pay it. Since the inception of the firm, by following the firm's procedures and my procedures, I believed (until now) that all maintenance fees were paid that we were authorized to pay.

15. During the period Ms. Ford was my legal secretary, in accordance with the above procedures, I instructed her and she timely paid numerous maintenance fees on different patents. This was an established procedure that we had followed. As confirmation, during the last week (i.e. since January 12, 2007), and assisted by the Artz firm's docketing administrator, I searched the CPI database and the firm's files and have determined that Ms. Ford paid ten other maintenance fees that she had been instructed to pay from 2002 to March 2005. The only one not paid was the second maintenance fee for the '216 reissue patent (which succeeded U.S. 5,568,925). The majority of the maintenance fee payments that Ms. Ford paid related to other patents of Warrior Lacrosse who is the owner of the '216 patent. After mid-2003, the payments were done

electronically and therefore did not require my signature. The results of this investigation confirm that the docketing system and procedures in place were reliable and trustworthy for the purposes of timely paying maintenance fees.

Specifics Relative To The '216 Patent:

16. In accordance with the Artz firm procedures, the '925 patent and subsequent '216 reissue patent were both entered into the CPI docketing system. The second (8 year) maintenance fee was due by October 29, 2004, with the six month grace period. The due date for the second maintenance fee as well as the reminder for the grace period appeared on the Artz docket. (A recreation of the notice from the CPI docketing system is attached as Exhibit B.)

17. The fact that the second maintenance fee for the '216 patent was not paid is a mystery to me. Until one week ago, I always thought it had been paid. The due date for that payment was on the docket reports that were provided by the Artz firm docketing administrator in 2004. Also, I remember specifically discussing this case with Ms. Ford since the '925 patent and its subsequent reissue patent were two of our client Warrior's most significant patents.

18. When I first discussed the '216 second maintenance fee with Ms. Ford, I instructed her to pay it since this was my usual procedure with all Warrior cases. Warrior had given me authorization to pay all maintenance fees and issue fees for all of their patents. At a subsequent time in discussing docket reports and docketing items in which the final due date for payment of the second maintenance fee for the '216 patent was mentioned, Ms. Ford assured me that the maintenance fee had been paid. Since I trusted

her and she had performed all of the other tasks that I had given her in the past, I believed her, and took the matter off of my docket.

19. I had no reason to question Ms. Ford's representation to me regarding payment of the second maintenance fee for the '216 patent. Additionally, given the fact that the other items she had told me were completed, including other maintenance fee payments, I had no reason to question the truth of her representation.

20. After October 29, 2004, no other reminders regarding payment of the second maintenance fee appeared and I had no reason to question Ms. Ford's indication to me that the second maintenance fee payment for the '216 patent had been made. The CPI system does not produce reminders or additional docket entries with respect to maintenance fees after the final 4, 8 and 12 year dates. Also, a current investigation of the PTO records shows that the PTO did not send any notices of abandonment or missed maintenance fees relative to either the '925 patent or its related '216 reissue patent. I have believed since 2004 to last week that the second maintenance fee payment had been made.

Discovery of Error:

21. On January 12, 2007, I was advised by an attorney (James K. Archibald) for a competitor of Warrior's that the '216 reissue patent had lapsed due to failure to pay the second maintenance fee. This was the first knowledge of this we had received. We therefore promptly investigated the facts and prepared the present Petition.

This Declaration is being signed under penalty of perjury. I hereby declare that all statements made therein of my own knowledge are true and all statements made on

information and belief are believed to be true. Further, all statements made in the above Declaration were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001.

Date: January 19, 2007


John S. Artz

Friday, January 19, 2007

Due Date List By Attorney

Page: 1

From 2/1/2007 To 4/1/2007

Attorney: JSA John S. Artz

Due Date/ Date Type	Reason for Date	Action Base Date/	Case Number	Client	Country	Application Number	Filing Date
01-Feb-2007 Reminder	1 Month to Due Date	01-Dec-2006 US-3 Month Office Action	WLI 1171	[REDACTED]	US	[REDACTED]	16-May-2005
	Status: Published	Title: [REDACTED]					
01-Feb-2007 Final	Foreign Filing Due	01-Feb-2006 Foreign Filing	WLI 1350	[REDACTED]	US	[REDACTED]	11-Feb-2006
	Status: Pending	Title: [REDACTED]					
01-Feb-2007 Final	Filing Due	01-Feb-2006 File Application	WLI 1350	[REDACTED]	US	[REDACTED]	01-Feb-2006
	Status: Pending	Title: [REDACTED]					
01-Feb-2007 Due Date	3 Month Due Date	01-Nov-2006 US-3 Month Office Action	WLI 1424	[REDACTED]	US	[REDACTED]	14-Sep-2006
	Status: Pending	Title: [REDACTED]					
01-Feb-2007 Reminder	1 Month to Due Date	01-Dec-2006 US-3 Month Office Action	WOC 0102	[REDACTED]		[REDACTED]	09-Jun-2003
	Status: Pending	Title: [REDACTED]					

EXHIBIT A

Friday, January 19, 2007

Due Date List By Attorney

Page: 2

From 2/1/2007 To 4/1/2007

Attorney: JSA John S. Artz

Due Date/ Date Type	Reason for Date	Action Base Date/	Case Number	Client	Country	Application Number	Filing Date
03-Feb-2007 Due Date	Application Status Check	03-Aug-2005 Application Status Check	BA 1008	[REDACTED]	US	[REDACTED]	03-Aug-2005
	Status: Published	Title: [REDACTED]					
04-Feb-2007 Reminder	1 Month to Due Date	04-Dec-2006 US-3 Month Office Action	IVJ 1016	[REDACTED]	US	[REDACTED]	23-May-2002
	Status: Published	Title: [REDACTED]					
04-Feb-2007 Reminder	3rd rem Ready to file yet?	04-Aug-2006 90 day target for filing	SKL 0101	[REDACTED]	US		
	Status: Unfiled	Title: [REDACTED]					
05-Feb-2007 Reminder	Foreign Filing 9 Mo. Reminder	05-May-2006 Foreign Filing	BA 1007	[REDACTED]	US	[REDACTED]	05-May-2006
	Status: Published	Title: [REDACTED]					
07-Feb-2007 Due Date	Proof/Submit Patent to Client	07-Nov-2006 US-Letters Patent-Ribbon Copy	FUT 1747	[REDACTED]	US	[REDACTED]	30-Dec-2002
	Status: Granted	Title: [REDACTED]					

Friday, January 19, 2007

Due Date List By Attorney

Page: 3

Attorney: JSA John S. Artz From 2/1/2007 To 4/1/2007

Due Date/ Date Type	Reason for Date	Action Base Date/	Case Number	Client	Country	Application Number	Filing Date
07-Feb-2007 Reminder	1 wk rem target for filing due Status: Unfiled	16-Nov-2006 90 day target for filing Title: [REDACTED]	MCWW 1018	[REDACTED]	US	[REDACTED]	[REDACTED]
08-Feb-2007 Due Date	Due Date - Election Status: Published	09-Jan-2007 US-Restriction Title: [REDACTED]	BA 1007	[REDACTED]	US	[REDACTED]	05-May-2006
11-Feb-2007 Reminder	Foreign Filing 9 Mo. Reminder Status: Published	11-May-2006 Foreign Filing Title: [REDACTED]	IVI 1041	[REDACTED]	US	[REDACTED]	-May-2006
12-Feb-2007 Reminder	2 Mth (shortened) Due Date Status: Published Remark: [REDACTED]	12-Dec-2006 US-Final Office Action Title: [REDACTED]	INL 0111	[REDACTED]	US	[REDACTED]	29-Oct-2003
14-Feb-2007 Final	90 day target filing appln Status: Unfiled	16-Nov-2006 90 day target for filing Title: [REDACTED]	MCWW 1018	[REDACTED]	US	[REDACTED]	[REDACTED]

Friday, January 19, 2007

Due Date List By Attorney

Page: 4

From 2/1/2007 To 4/1/2007

Attorney: JSA John S. Artz

Due Date/ Date Type	Reason for Date	Action Base Date/	Case Number	Client	Country	Application Number	Filing Date
14-Feb-2007 Final	Issue Fee Due	14-Nov-2006 US-Allowance	NIKO 0101	[REDACTED]	US	[REDACTED]	03-Jun-2004
	Status: Published	Title: [REDACTED]					
	Remarks: [REDACTED]						
14-Feb-2007 Due Date	Proof/Submit Patent to Client	14-Nov-2006 US-Letters Patent-Ribbon Copy	VSI 0101R	[REDACTED]	US	[REDACTED]	19-Jan-2002
	Status: Granted	Title: [REDACTED]					
14-Feb-2007 Due Date	3 Month Due Date	14-Nov-2006 US-3 Month Office Action	WLI 1165	[REDACTED]	US	[REDACTED]	03-Mar-2005
	Status: Published	Title: [REDACTED]					
15-Feb-2007 Reminder	Fee Due in 1 Month	15-Dec-2006 US-Allowance	WLI 1098	[REDACTED]	US	[REDACTED]	14-May-2003
	Status: Pending	Title: [REDACTED]					
15-Feb-2007 Reminder	Filing Reminder	15-Aug-2006 File Application	WLI 1373	[REDACTED]	US	[REDACTED]	15-Aug-2006
	Status: Pending	Title: [REDACTED]					

Friday, January 19, 2007

Due Date List By Attorney

Page: 5

From 2/1/2007 To 4/1/2007

Attorney: JSA John S. Artz

Due Date/ Date Type	Reason for Date	Action Base Date/	Case Number	Client	Country	Application Number	Filing Date
15-Feb-2007 Reminder	Foreign Filing Reminder	15-Aug-2006 Foreign Filing	WLI 1373 A	[REDACTED]	US	[REDACTED]	15-Aug-2006
	Status: Pending	Title: [REDACTED]					
16-Feb-2007 Reminder	Foreign Filing 9 Mo. Reminder	16-May-2006 Foreign Filing	JVI 1036	[REDACTED]	US	[REDACTED]	16-May-2006
	Status: Published	Title: [REDACTED]					
16-Feb-2007 Reminder	Foreign Filing 9 Mo. Reminder	16-May-2006 Foreign Filing	JVI 1040	[REDACTED]	US	[REDACTED]	16-May-2006
	Status: Published	Title: [REDACTED]					
17-Feb-2007 Due Date	3 Mth Due Df/Net. Of Appeal	17-Nov-2006 US-Final Office Action	BA 1006	[REDACTED]	US	[REDACTED]	14-Jul-2005
	Status: Published	Title: [REDACTED]					
18-Feb-2007 Reminder	Filing Reminder	18-Aug-2006 File Application	WLI 1170	[REDACTED]	US	[REDACTED]	18-Aug-2006
	Status: Pending	Title: [REDACTED]					

Friday, January 19, 2007

Due Date List By Attorney

Page: 6

From 2/1/2007 To 4/1/2007

Attorney: JSA John S. Artz

Due Date/ Date Type	Reason for Date	Action Base Date/	Case Number	Client	Country	Application, Number	Filing Date
18-Feb-2007 Reminder	Foreign Filing Reminder	18-Aug-2006 Foreign Filing	WLI 1170	[REDACTED]	US	[REDACTED]	18-Aug-2006
	Status: Pending	Title: [REDACTED]					
18-Feb-2007 Reminder	Filing Reminder	18-Aug-2006 File Application	WLI 1225	[REDACTED]	US	[REDACTED]	18-Aug-2006
	Status: Pending	Title: [REDACTED]					
18-Feb-2007 Reminder	Foreign Filing Reminder	18-Aug-2006 Foreign Filing	WLI 1225	[REDACTED]	US	[REDACTED]	18-Aug-2006
	Status: Pending	Title: [REDACTED]					
18-Feb-2007 Due Date	4th rem Ready to File yet?	18-Jul-2006 90 day target for filing	WLI 1416	[REDACTED]	US		
	Status: Unfiled	Title: [REDACTED]					
19-Feb-2007 Reminder	2nd Extension	19-Sep-2006 US-3 Month Office Action	DLK 0101	[REDACTED]	US	[REDACTED]	27-May-2004
	Status: Published	Title: [REDACTED]					
	Remarks: [REDACTED]						

Friday, January 19, 2007

Due Date List By Attorney

Page: 7

From 2/1/2007 To 4/1/2007

Attorney: JSA John S. Artz

Due Date/ Date Type	Reason for Date	Action Base Date/	Case Number	Client	Country	Application Number	Filing Date
20-Feb-2007 Reminder	EP-Exam Report Resp Due 2M Rem	20-Apr-2007 EP-Examination Report	IVI 1011	[REDACTED]	EP	[REDACTED]	04-Apr-2003
	Status: Published	Title: [REDACTED]					
21-Feb-2007 Due Date	Foreign Filing 11 Mo. Reminder	21-Mar-2006 Foreign Filing	WLI 1212	[REDACTED]	US	[REDACTED]	21-Mar-2006
	Status: Published	Title: [REDACTED]					
22-Feb-2007 Reminder	2nd Extension	22-Sep-2006 US-3 Month Office Action	FUN 0102	[REDACTED]	US	[REDACTED]	17-Jun-2005
	Status: Published	Title: [REDACTED]					
22-Feb-2007 Reminder	Foreign Filing 9 Mo. Reminder	22-May-2006 Foreign Filing	IVI 1042	[REDACTED]	US	[REDACTED]	22-May-2006
	Status: Published	Title: [REDACTED]					
22-Feb-2007 Reminder	Foreign Filing 9 Mo. Reminder	22-May-2006 Foreign Filing	IVI 1043	[REDACTED]	US	[REDACTED]	22-May-2006
	Status: Pending	Title: [REDACTED]					

Friday, January 19, 2007

Due Date List By Attorney

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From 2/1/2007 To 4/1/2007

Attorney: JSA John S. Artz

Due Date/ Date Type	Reason for Date	Action Base Date/	Case Number	Client	Country	Application Number	Filing Date
24-Feb-2007 Due Date	4th rem Ready to File yet?	24-Jul-2006 90 day target for filing	MPC 0111	[REDACTED]	US	[REDACTED]	[REDACTED]
Status: Unfiled							
24-Feb-2007 Reminder	Foreign Filing 9 Mo. Reminder	24-May-2006 Foreign Filing	WLI 1205	[REDACTED]	US	[REDACTED]	24-May-2006
Status: Published							
26-Feb-2007 Reminder	1 Month to Due Date	26-Dec-2006 US-3 Month Office Action	WLI 1063	[REDACTED]	US	[REDACTED]	18-Aug-2003
Status: Published							
28-Feb-2007 Due Date	3 Mth Due Du/Not. Of Appeal	29-Nov-2006 US-Final Office Action	BA 1008	[REDACTED]	US	[REDACTED]	03-Aug-2005
Status: Published							
28-Feb-2007 Reminder	3rd rem Ready to file yet?	31-Aug-2006 90 day target for filing	BRINE 0126	[REDACTED]	US	[REDACTED]	[REDACTED]
Status: Unfiled							

Friday, January 19, 2007

Due Date List By Attorney

Page: 9

From 2/1/2007 To 4/1/2007

Attorney: JSA John S. Artz

Due Date/ Date Type	Reason for Date	Action Base Date/	Case Number	Client	Country	Application Number	Filing Date
28-Feb-2007 Reminder	3rd rem Ready to file yet? Status: Unfiled	31-Aug-2006 90 day target for filing Title: [REDACTED]	BRINE 0129	[REDACTED]	US		
28-Feb-2007 Reminder	3rd rem Ready to file yet? Status: Unfiled	31-Aug-2006 90 day target for filing Title: [REDACTED]	BRINE 0130	[REDACTED]	US		
28-Feb-2007 Reminder	3rd rem Ready to file yet? Status: Unfiled	31-Aug-2006 90 day target for filing Title: [REDACTED]	BRINE 0132	[REDACTED]	US		
28-Feb-2007 Reminder	3rd rem Ready to file yet? Status: Unfiled	31-Aug-2006 90 day target for filing Title: [REDACTED]	BRINE 0133	[REDACTED]	US		
28-Feb-2007 Reminder	3rd rem Ready to file yet? Status: Unfiled	31-Aug-2006 90 day target for filing Title: [REDACTED]	BRINE 0134	[REDACTED]	US		

Friday, January 19, 2007

Due Date List By Attorney

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From 2/1/2007 To 4/1/2007

Attorney: ISA John S. Artz

Due Date/ Date Type	Reason for Date	Action Base Date/	Cause Number	Client	Country	Application Number	Filing Date
28-Feb-2007 Reminder	3rd rem Ready to file yet? Status: Unfiled	31-Aug-2006 90 day target for filing Title: [REDACTED]	BRINE 0135	[REDACTED]	US	[REDACTED]	[REDACTED]
28-Feb-2007 Reminder	3rd rem Ready to file yet? Status: Unfiled	31-Aug-2006 90 day target for filing Title: [REDACTED]	BRINE 0136	[REDACTED]	US	[REDACTED]	[REDACTED]
28-Feb-2007 Reminder	3rd rem Ready to file yet? Status: Unfiled	31-Aug-2006 90 day target for filing Title: [REDACTED]	BRINE 0137	[REDACTED]	US	[REDACTED]	[REDACTED]
28-Feb-2007 Reminder	3rd rem Ready to file yet? Status: Unfiled	31-Aug-2006 90 day target for filing Title: [REDACTED]	BRINE 0138	[REDACTED]	US	[REDACTED]	[REDACTED]
28-Feb-2007 Reminder	3rd rem Ready to file yet? Status: Unfiled	31-Aug-2006 90 day target for filing Title: [REDACTED]	BRINE 0139	[REDACTED]	US	[REDACTED]	[REDACTED]

Page: 1

Due Date List By Attorney

Friday, January 19, 2007

From 4/1/2004 To 6/1/2004

Attorney: JSA John S. Artz


Due Date/ Date Type	Reason for Date	Action Base Date/	Case Number	Client	Country	Application Number	Filing Date
							
29-Apr-2004 Due Date	Tax 7.5	29-Oct-1996 tax 7.5	WLI 1003	WLI Warrior Lacrosse, Inc.	US	08/516791	18-Aug-1995
Status: Granted		Title: Scooped Lacrosse Head					
29-Apr-2004 Due Date	Tax 7.5	29-Oct-1996 Tax 7.5	WLI 1004	WLI Warrior Lacrosse, Inc.	US	09/174804	19-Oct-1998
Status: Granted		Title: Scooped Lacrosse Head					

EXHIBIT B

Friday, January 19, 2007

Due Date List By Attorney

Page: 1

From 6/1/2004 To 8/1/2004

Attorney:

Due Date/ Date Type	Reason for Date	Action Base Date/	Case Number	Client	Country	Application Number	Filing Date
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Status:

Page: 1

Due Date List By Date

Monday, January 15, 2007

From 10/30/2004 To 12/31/2004

Due date/ Date Type	Reason for Date	Action Base Date/ Action Type	Case Number	Client	Country	Attorney(s)	Application Number	Filing Date
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